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IN THE

Supreme Court of the United States

October Term, 1953

No. 217

SUPERIOR FILMS, INC.,

Appellant,

vs.

DEPARTMENT OF EDUCATION OF THE STATE OF OHIO,
DIVISION OF FILM CENSORSHIP,
CLYDE HISSONG, Superintendent,

Appellee.

BRIEF OF
THE NATIONAL COUNCIL ON FREEDOM FROM CENSORSHIP
A Committee of the
AMERICAN CIVIL LIBERTIES UNION
AMICUS CURIAE

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Preliminary Statement

The American Civil Liberties Union, a non-partisan, non-sectarian organization, with a membership of thousands of persons in all states of the union, has for the past three decades or more endeavored to carry out its object as stated in its charter—namely, "to maintain throughout the United States and its possessions the rights of free speech, free press, free assemblage and other civil rights, and to take legitimate action in furtherance of such purposes."

As issues involving freedom of speech and of the press are here involved, The National Council on Freedom from Censorship, a committee of the Union, files this brief as *amicus curiae*. This brief is filed by consent of both parties granted in writing. True copies of the letters of consent will be found in Exhibit "A" attached hereto.

Opinion Below

The majority and the dissenting opinions in the Supreme Court of Ohio are reported in 159 O. S. 315, 112 N. E. 2d 311, and appear at R. 56 *et seq.*

Jurisdiction

Jurisdiction of this Court is invoked under Section 1257(2), Title 28 of the United States Code. The judgment of the Supreme Court of Ohio was entered April 29, 1953. Application for appeal to this Court was made June 26, 1953, and probable jurisdiction was noted by this Court October 12, 1953.

Scope of this Brief

The appellant asks this Court to reverse a judgment of the Supreme Court of Ohio sustaining an order of the Department of Education of the State of Ohio, Division of Film Censorship, prohibiting the exhibition in the State of Ohio of the motion picture entitled "M" on several grounds. This brief is filed in support of the appellant's position, but will be confined chiefly to the question whether official state pre-censorship of motion pictures consti-

tutes a prior restraint on the free communication of ideas which is prohibited by the First and Fourteenth Amendments to the United States Constitution. The arguments presented here are believed to apply with equal force to support the appellant's position in the case of *Commercial Pictures Corp.* v. *Board of Regents*, 305 N. Y. 336, involving the motion picture "La Ronde", currently before this Court (No. 274), but wherein we have filed no brief.

Statement of the Case

The facts are amply set forth in the brief of the appellant. We should merely like to call this Court's attention to the following:

The appellant was required by the Ohio statutes to submit its film to the appellee for the appellee's approval before it could exhibit or distribute its film, the motion picture "M", in Ohio. The Advisory Board of appellee issued a certificate rejecting the film for exhibition and distribution in the state of Ohio. The certificate stated that the film was being rejected "on account of being harmful." [R. 18] The Board members themselves amplified this statement as follows [R. 18]:

> "1. There is a conviction that the effect of this picture on unstable persons of any age level could lead to a serious increase in immorality and crime.
>
> "2. Presentation of actions and emotions of a child killer emphasizing complete perversion without serving any valid educational purpose. Treatment of perversion creates sympathy rather than a constructive plan for dealing with perversion.
>
> "3. It is a horror picture of the most revolting kind, since it invades the realm of innocent children.

"4. It undermines confidence in the enforcement of law and government. The plot is composed of a repetition of criminal acts and law violations with mob violence and hysteria and at the same time exhibiting ineffectiveness of the police."

SUMMARY OF ARGUMENT

Ohio G. C. Sections 154-47 to 154-47i, inclusive, on their face and as applied to appellant are a prior restraint and censorship of speech and of the press in violation of and repugnant to the First and Fourteenth Amendments to the Constitution of the United States.

1. Motion pictures are a form of speech protected by the First and Fourteenth Amendments to the United States Constitution.
2. The chief purpose of the First Amendment was and is to prevent prior restraints on the free communication of ideas.
3. Freedom of speech and of the press, hence, freedom to exhibit and distribute motion pictures, may not be abridged without a showing that some clear and present danger of an extremely serious substantive evil exists, or, as this Court has recently put it, an "exceptional case" is presented.
4. The State has a "heavy burden" to establish that a clear and present danger exists.
5. No evidence has been offered which sustains this "heavy burden".
6. A comparison of the content and circulation of newspapers and magazines, admittedly protected by the First and Fourteenth Amendments from prior restraint, indicates that motion pictures in general, and this motion picture in particular, do not present a clear and present danger of some substantive evil.

7. Whether motion pictures as a class and this motion picture in particular are potentially "harmful" must be assayed in terms of the ideas circulating in our society by means of other media for the communication of ideas.

8. The purported protection of the public by motion picture censorship has extended into the area of the political and social prejudices of the censors.

9. If motion pictures do present special problems, these may be dealt with by other means than censorship.

ARGUMENT

Ohio G. C. Sections 154-47 to 154-47i, inclusive, on their face and as applied to appellant are a prior restraint and censorship of speech and of the press in violation of and repugnant to the First and Fourteenth Amendments to the Constitution of the United States.

1. Motion pictures are a form of speech protected by the First and Fourteenth Amendments to the United States Constitution.

We are dealing here with a case of pre-censorship. Under the Ohio law, before the appellant could exhibit his motion picture in the state of Ohio he had to obtain the approval of a specially constituted administrative body, the Division of Film Censorship of the State Department of Education.

Recently this Court held "that expression by means of motion pictures is included within the free speech and free press guaranty of the First and Fourteenth Amendments." *Burstyn* v. *Wilson*, 343 U. S. 495, at page 502. See also *United States* v. *Paramount Pictures, Inc.*, 334 U. S. 131, opinion of Mr. Justice Douglas concurring at page 166; *Gelling* v. *Texas*, 343 U. S. 960. In so doing the Court specifically overruled on this point its earlier decision in *Mutual Film Corp.* v. *Industrial Commission*, 236 U. S. 230. It is important to remember that the *Mutual* case was decided before *Gitlow* v. *New York*, 268 U. S. 652, which for the first time definitely established that the Fourteenth Amendment applied the First to the states. The distinction relied on in the *Mutual* case to exclude motion pictures from First Amendment protection between media which "inform" and those which "entertain"

is no longer significant, if indeed, it ever existed at all. "The line between the informing and the entertaining is too elusive for the protection of that basic right [a free press]. Everyone is familiar with instances of propaganda through fiction. What is one man's amusement, teaches another's doctrine." *Winters* v. *New York*, 333 U. S. 507, 510, quoted with approval in *Burstyn* v. *Wilson*, *supra*, at page 501. Nor does the supposed capacity for greater evil of motion pictures deprive them of this constitutional protection. As this Court said, "even if one were to accept this hypothesis, it does not follow that motion pictures should be disqualified from First Amendment protection." *Burstyn* v. *Wilson*, *supra*, at page 502.

2. The chief purpose of the First Amendment was and is to prevent prior restraints on the free communication of ideas.

In *Near* v. *Minnesota*, 283 U. S. 697, this Court said:

"In determining the extent of the constitutional protection [afforded by the First Amendment], it has been generally, if not universally, considered that it is the chief purpose of the guaranty to prevent previous restraints upon publication. The struggle in England, directed against the legislative power of the licenser, resulted in the renunciation of the censorship of the press. The liberty deemed to be established was thus described by Blackstone: 'The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no *previous* restraints upon publications and not in freedom from censure for criminal matter published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this, is to destroy the freedom of the press; but if he publishes what is improper, mischievous or illegal he must take the consequence of his own temerity.' 4 B. Com. 151,

152; see Story on the Constitution, §§1884, 1889." (Italics by the Court.)

In carrying out this high purpose and command of the First Amendment, this Court has struck down restrictions prior to publication (in the broadest sense) as diverse as the following:

Placards carried by pickets
Thornhill v. *Alabama*, 310 U. S. 88.

Newspapers
Near v. *Minnesota*, 283 U. S. 697;
Grosjean v. *American Press Co.*, 297 U. S. 233.

Books and magazines
Winters v. *New York*, 333 U. S. 507;
Hannegan v. *Esquire*, 327 U. S. 146.

Pamphlets and handbills
Lovell v. *Griffin*, 303 U. S. 444;
Martin v. *Struthers*, 319 U. S. 141;
Murdock v. *Pennsylvania*, 319 U. S. 108.

Sound blasted from amplifiers
Saia v. *New York*, 334 U. S. 558.

Speech and assembly on public property
Hague v. *C. I. O.*, 307 U. S. 496.

Speech on private property
Marsh v. *Alabama*, 326 U. S. 501.

Phonographs on doorsteps
Cantwell v. *Connecticut*, 310 U. S. 296.

See also *Dumont Laboratories* v. *Carroll*, 184 F. 2d 153 (C. A. 3rd) (television).

And these are only a few.

Although these cases involved different types of media, the basic principle to be distilled from them is the same, namely: no matter what the media, if it is protected by the First Amendment, it is free from prior restraint. As this Court said:

> "Each method [of communication of ideas] tends to present its own peculiar problems. But the basic principles of freedom of speech and of the press, like the First Amendment's command, do not vary. Those principles, as they have frequently been enunciated by this Court, make freedom of expression the rule. There is no justification in this case for making an exception to that rule." *Burstyn* v. *Wilson, supra,* at page 503.

Of course, each new media presents new problems and new fears in man. But fortunately, history tells us that they also present progress. No doubt Wittenburg's invention spread fear through a world in which books and hence ideas were not available to the overwhelming majority of the population. In fact a religious revolution became possible when each man could interpret his printed bible for himself. We cannot stifle progress for the sake of the afraid, the insecure and the unstable.

3. Freedom of speech and of the press, hence, freedom to exhibit and distribute motion pictures, may not be abridged without a showing that some clear and present danger of an extremely serious substantive evil exists, or, as this Court has recently put it, an "exceptional case" is presented.

This Court has held that freedom of speech and of the press cannot be abridged without a showing that some "clear and present danger" of an "extremely serious" "substantive evil" exists. *Schenck* v. *United States,* 249 U. S. 47. Indeed, "the degree of imminence" of such a

"substantive evil" must be "extremely high." *Schenck* v. *United States, supra; Bridges* v. *California*, 314 U. S. 252. We have suggested elsewhere that the test actually applied by this Court in determining whether in a given instance the First Amendment is applicable or not to a particular speech, is and ought to be whether there is yet time "to make answer or to call the police" to prevent the serious substantive evil which is about to occur. See *Note, Speech: Public and Private*, 53 Columbia L. Rev. 620 (1953), see also *American Communications Ass'n.* v. *Douds*, 339 U. S. 382. However that may be, recently this Court has stated, in discussing the First Amendment as applied to motion pictures, that " 'the protection even as to previous restraint is not absolutely unlimited. But the limitation has been recognized only in exceptional cases.' " *Burstyn* v. *Wilson, supra*, at page 503.

We assume by "exceptional cases" the court was referring to cases where the state sustains the burden of proving that a clear and present danger of some imminent substantive evil exists.

4. The State has a "heavy burden" to establish that a clear and present danger exists.

In *Burstyn* v. *Wilson, supra*, this Court said, "In the light of the First Amendment's history and of the Near decision, the State has a heavy burden to demonstrate that the limitation challenged here presents such an exceptional case." (p. 504) See also *Bridges* v. *California, supra; Pennekamp* v. *Florida*, 328 U. S. 331; *Terminello* v. *City of Chicago*, 337 U. S. 1; *American Communications Ass'n.* v. *Douds, supra; Thomas* v. *Collins*, 323 U. S. 516.

5. No evidence has been offered which sustains this "heavy burden".

No evidence appears in the record which tends to prove that the picture "M" represents a clear and present danger of some substantive evil, or an "exceptional case" which would justify its exclusion from the vital protections of the First Amendment. As in so many motion picture censorship cases, the picture here involved has been widely exhibited throughout the United States, yet no dire results have been recorded. The same picture, in an earlier German language version, was approved by the Board, but so far as appears, did not prove to be "harmful."

Indeed, the Board of Censors of the State of Ohio did not even attempt to determine whether a clear and present danger or exceptional case existed. The Ohio statute merely directed the Board not to license pictures for exhibition in Ohio unless they were "moral, educational, or amusing and harmless." G. C. §154-47. It is to be noted that the statute applies a presumption against the picture, not in favor of it as the First Amendment requires. *Near* v. *Minnesota, supra.* Nowhere does the statute require the Board to find a clear and present danger of a substantive injury or an exceptional case. Nor is this standard implicit in the statute. What may be "harmful" need not create a danger of a "substantive injury." And in any event, we long ago decided that the harm of protecting human beings from harm is greater than the harm itself. This decision is the basis of our constitutional policy.

The Board itself does not pretend to have found that such a clear and present danger exists. One of the reasons it assigns for prohibiting the exhibition of the film is that in its opinion "the effect of this picture on unstable persons of any age level could lead to a serious increase in immorality and crime." [R. 18] That a picture "could

lead to a serious increase in immorality and crime" certainly cannot be equivalent to a finding that a clear and present danger of a substantive evil exists. No statement is made that the danger, if any, is imminent. All that is said is that a "serious increase in immorality and crime" possibly might occur. And at that, this possibility is said to be created because of the effect the picture might have on "unstable persons." Certainly the magazines involved in the *Winters* case might have had that effect, yet the Court found that no excuse existed for their prohibition. Certainly Father Terminiello's speech might have had that effect, but it was declared to be free from police interference. No doubt the daily reports of crime and disaster in the newspapers and on the air, the pictures of pretty girls on magazine covers, the cheap editions which are now read by people who formerly never read a book, the nude statutes found in public squares all *could* have such an effect on unstable persons. But it cannot be seriously contended at this late date that these things can be constitutionally suppressed for that reason. All life is harmful to the unstable. A normal society cannot be limited in its distributions of ideas by the effect those ideas might have on "unstable persons". Any other theory would reduce all writing to the level of the unstable.

Another reason assigned by the Board of Censorship is that the picture presents the "actions and emotions of a child killer emphasizing complete perversion without serving any valid educational purpose. [The] treatment of perversion creates sympathy rather than a constructive plan for dealing with perversion." [R. 18] But it is not a requirement of freedom of speech and of the press that utterances present "constructive plans" for dealing with the subject matter discussed. It is merely enough to expose the evil. When Hercules cleaned out the

Augean stables, the record does not indicate that anyone asked him to fill them up again. And if the test of free speech is whether the speech include a constructive plan or not, certainly the question cannot be left for decision by administrative agencies. The Board of Censors so far as appears is not made up of persons specially competent by training or experience in the field of psychiatry. Even if they were, we would not admit for a moment that they were constitutionally permitted to censor free speech. If anything, the picture argues for an understanding of unstable persons very much in accord with the modern scientific view of the subject. Modern psychiatry argues that nothing is to be gained (contrary to the apparent view of the Ohio Board of Censors) from inflicting harsh retributive measures on psychopathic persons. See *Wertham, The Show of Violence* (1949), *passim*. Indeed, several of the incidents found in the picture seem to have been taken from Dr. Wertham's book. (Compare, for example, the incident of the murder of the bird in "M" [R. 34] with a similar incident in the life of Robert Irwin described by Dr. Wertham at page 126.)[1]

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[1] On Reel Three A of "M", the following dialogue occurs between a reporter and the police psychiatrist:

> "Reporter: What are you looking for? What kind of a man?
> "Graham [the psychiatrist]: A paranoid. Possibly a paranoid skitsofrenick (sic) probably. Maybe a borderline case, but in any event, a very sick man. Frequently this form of mental disease can be traced back to the patient's childhood—to some severe emotional injury he received." [R. 34]

On Reel Five B the killer describes his reasons:

> "Killer: —I knew I'd be caught. That's what I wanted—my day in court—I'd thought of a law court but this will have to do. You see, I've discovered something very important—very important for everybody to know. . . . I haven't got it all figured out yet, I can't fit all the pieces together. But it's too important. People gotta listen and— My mother always told me—but it took me awhile to understand—that men are born evil—and cruel and awful—I don't mean all people—just *men* are born low and that's the hard-

A modern student of our sex laws has this to say on the subject:

"Criticism is also leveled at the dual administrative function growing out of the law's retaliatory punishment concept [in dealing with sex offenders] falling to the lot of custodial institutions of punishing and at the same time reforming, necessitating a series of compromises which add up to confused and nebulous results.

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est thing for a man to fight against. . . . the hardest thing there is for a man—it has to hurt, you have to be punished in order to be good, you have to be whipped, tortured, crucified in order to understand. She was a good woman. And beautiful—her hands—so gentle—crossed at her breast. . . . Why should she suffer? Why should she of all women when—You see—that's what I never understood. This is important—this part—when I stole the blanket for her, she knew I was trying to be good, but she made me take the blanket back to the sheriff. It was only at the County Farm I really understood. I found a bird—I always liked birds. It had a broken wing and I nursed it. Then—when it was almost well and wanted to fly away I thought about escaping and then I remembered it was a world of men she'd fly into—ugly and cruel—too ugly and cruel for birds and children! And I knew I had to kill the bird. I had to kill the bird so I'd be punished and kept on the farm. Now do you see?" [R. 45]

Later, on the same reel, a debased lawyer (Langley) defends the killer before the mob that has captured him.

"Langley: My client wanted to be good. Did you want any different? My client . . .

"Voices: He killed the kids. Kill him. Get him—lynch him.

"Langley: My client is a man who—

"Voices: He's no man—he's a monster. He's scum.

"Langley: Listen! Yes—no—he's no man, no will, no reason, no sight—blind, blind, stumbling in a world in which he couldn't see his way in. Do you lynch a blind man because he can't see? Do you kill a man like this—or imprison him—or do you put him in an institution? Have we as good an excuse? What of our own guilt? What of the pennies and nickels and dimes stolen from the poor—children's lunch money that goes into our slot machines! Workmen's rent that's bet on horses! How many children have gone hungry and without shoes because of us?" [R. 46]

These and other excerpts are indicative of the viewpoint of "M", a viewpoint which is in accord with the best of modern psychiatry, which seeks to understand a problem which troubles us greatly today, which pleads for justice according to law. Can the censors require more?

"Complicating the situation still further is the introduction by the science of psychiatry of new theories which have been superimposed on all the existing suppositions. The approach to the crime problem has been entirely on the wrong track, say the psychiatrists. Persons who transgress the criminal laws, confined more particularly to the laws dealing with sex, are sick, not bad, according to one school of thought; their acts are not calculated defiance of the law but symptoms of mental illness—the categorical reference is to that minority group of offenders who infringe those sex laws which the majority do not break.

"Treatment, not punishment, for these mentally ill persons is the new recipe prescribed by the psychiatrists. Taking the sex law breaker as a sample deviate on which psychiatric thought is in more or less agreement, doctors assert that it is as insane and brutal to punish him as it would be to spank a whooping-cough sufferer for whooping. This scientific premise has put squarely on the mat our ancient legal concept of right and wrong, with this retaliatory punishment sequel." *Drummond, The Sex Paradox* (1953), p. 326. See also, *Ploscowe, Sex and the Law* (1951), pp. 283-284.

It is to be noted that the views expressed above are exactly those epitomized in "M".

What we are faced with here is, at the very least, a disagreement among experts on how a difficult problem should be handled. In this connection the recent language of a Judge of the New York Appellate Division, Third Department is applicable. The Court was considering the question of whether the New York Board of Regents had exceeded their authority in refusing to license the motion picture "Teen Age Menace" which dealt with drug addiction. The Court required the Board of Regents to issue a license. Judge Halpern concurred. He said in part:

"There was thus presented to the Board a difference of opinion as to whether discussion or silence was

the best way to deal with the problem [of drug addiction among teenagers].

Confronted with this conflict of opinion, the Board of Regents should have applied the fundamental principle of freedom of expression and should have allowed each side to pursue its own philosophy. The Board of Regents had no power under our Constitutional concepts, to suppress the motion picture merely because it believed that it dealt with a social problem the wrong way. The Board had no right to refuse to license petitioner's motion picture on the ground that, in its opinion, it represented an unwise or objectionable method of attempting to fight the narcotic evil. Motion pictures are entitled to the protection of the constitutional guarantees of freedom of expression. [Citations omitted.] Freedom of expression is freedom alike for 'propaganda' which we deplore and for 'education' of which we approve." Halpern, J., concurring in *Broadway Angels, Inc.* v. *Wilson,* New York Appellate Division, Third Department, decided Nov. 18, 1953, No. 280/64. (N. Y. L. J., p. 1, cols. 1-2, Vol. 130, No. 118, December 18, 1953)

The other two reasons advanced by the Ohio Censors in support of their decision are hardly more compelling. One is that the picture is a "horror" picture of a "revolting kind". This we take to be a mere matter of critical judgment on which reasonable critics may differ. Horror is comparative—it is somewhere down on the esthetic scale whose apex is beauty. It is not the function of courts, administrators or legislatures to engage in the kind of literary criticism that distinguishes between esthetic values.

The second is that the picture "undermines confidence in the enforcement of law and government." But that reason can hardly be taken seriously. Other media of public information certainly have a similar result. See especially the first item under the date September 17 in

Exhibit B (part 1), hereto annexed, a table of newspaper stories carried in Ohio newspapers and elsewhere during the week of September 14, 1952 and September 14, 1953. And of course, criticism always undermines. It is the function and value of criticism to undermine our orthodox beliefs. The purpose of the First Amendment was to protect criticism, for it is only by this means that progress can be achieved.

There is affirmative value in even outrageous criticisms of authority. In the absence of permitting such criticism we should have an even graver horror, to wit, hypocrisy.

6. A comparison of the content and circulation of newspapers and magazines, admittedly protected by the First and Fourteenth Amendments from prior restraint, indicates that motion pictures in general, and this motion picture in particular, do not present a clear and present danger of some substantive evil.

The argument for censorship of motion pictures usually proceeds on the theory that motion pictures represent a greater potential evil than do other media of communication which this Court has declared to be free from prior restraint. But such is not the case.

In 1952, the lowest price of admission to Ohio motion picture theatres for adults was 30¢ (including 5¢ tax) which was charged in theatres catering principally to Negro patrons. In the smaller towns, the admission price was not less than 35¢. The great majority of theatres in the state charge 50¢, including tax. This would apply to all theatres in towns over 5,000 in population and in the vicinity of the large cities. In certain theatres—like those in downtown Cleveland—the price was customarily 85¢ in the evening. The national average admission price was about 47¢. In Ohio, an urban state, the average price was

about 50¢.* During the same period it is common knowledge that newspapers in Ohio and elsewhere seldom charged more than 5¢ a copy for daily papers.

The exact weekly number of admissions to Ohio theatres is impossible to obtain. Nationally the average weekly admissions during 1952 was 46,400,000. Ohio has 5% of the population and slightly more than that of the theatres in the United States. On this basis a safe estimate for weekly admissions in Ohio would be around 2,300,000. This compares with the circulation of newspapers in major Ohio cities shown below.

1952 †

City	*Population*	*Combined daily circulation (average)*
Akron	274,605	148,859
Cincinnati	503,998	490,214
Cleveland	914,808	765,028
Columbus	375,901	412,655
Dayton	243,872	220,885
Toledo	303,616	237,996

Totalling these daily figures and multiplying by 7 (actually Sunday circulation is higher) we get a weekly figure of 15,929,459 copies for the six cities shown above. Moreover, newspapers are frequently read by more than one person.

What did these papers contain? The Cleveland Press, average circulation during 1952 of 312,730 daily, may be taken as typical. We have examined this paper for the week of September 14, 1953. We should have preferred to com-

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* Source: Letter of Robert A. Wile, Executive Secretary of The Independent Theatre Owners of Ohio, 55 East State Street, Columbus 15, Ohio, dated December 1, 1953, addressed to counsel.

† Source: Editor and Publisher, International Year Book, 1953.

pare the issue of September 14, 1952, the week in which the censors banned "M" as "harmful," but these issues are unavailable to us. We therefore took the date exactly one year following. We think the results would be the same if the 1952 week were used. The results will be found on Exhibit "B" attached hereto. This list does not purport to be complete. It is merely indicative of some of the stories carried by the Ohio papers which are free from prior restraint and which may be freely purchased by adults and children, by normal and unstable persons, alike.

Nationally, there were 18,631 motion picture theatres in the United States in the year 1948 (the last year on which we could obtain such statistics).* Total receipts were $1,352,880,000. In 1947 (the last year on which we could obtain such statistics) there were 10,282 newspapers operating in the United States. Their total receipts during that period were $1,792,338,000. During this period the price of a ticket to a motion picture theatre was seldom under 30¢; the price of a newspaper was seldom over 5¢. We have taken two representative newspapers from other areas than Ohio and examined one of their contents for the week of September 14, 1952, the week in which the Ohio censors banned "M," and one for the week of September 14, 1953, the first anniversary of the banning of "M." Our purpose is to show that Ohio is not unique so as to require special treatment and to establish the national pattern of our culture. The result will be found in Exhibit "B" attached hereto.

The following table compares the number of books and periodicals copyrighted during the last several years with the number of photoplays copyrighted during the same period.

Subject Matter of Copyrights*

Class	1946	1947	1948	1949	1950	1951
Books	47,860	53,925	54,774	51,562	54,894	50,533
Periodicals (numbers)	48,289	58,340	59,699	54,163	55,436	55,129
Motion Picture Photoplays	774	666	632	667	782	835

Actually, during 1952 1,847 different films were exhibited in Ohio. The number of different magazines and books circulating in Ohio during the same period is impossible to determine, but it is certainly several hundred times larger than the figure for motion pictures.

No doubt some of these newspapers, magazines and books are "harmful" to "unstable persons" as well as normal persons, but nevertheless they may not be subject to prior restraint. *Winters* v. *New York, supra; Hannegan* v. *Esquire, supra; Near* v. *Minnesota, supra.* Surely the Court will not attempt to pin prick out vague lines between different media based on degrees of harm when the vital protections of the First Amendment are involved and when the medium under attack is not nearly so available to the public as the media deemed to be already protected. If newspapers and magazines are protected by the First Amendment from prior restraint, *a fortiori,* so are motion pictures.

The State's theory here is a novel one. It is that people with 30¢ require greater protection at the moral level than people with only a nickel. This is the reverse of the usual theory found in obscenity cases that limited editions available only to the rich are not obscene, while the same books printed in low-cost editions expose their distributors to prosecution.

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* Source: United States Statistical Abstract, 1952.

7. Whether motion pictures as a class and this motion picture in particular are potentially "harmful" must be assayed in terms of the ideas circulating in our society by means of other medias for the communication of ideas.

There are no absolute standards for what is "harmful" and what is not. What may be harmful in one era or in one society may not be harmful in another. Thirty years ago a woman who appeared on a beach in the attire now standard would have been arrested for indecent exposure and justly convicted. Today, newspapers and magazines freely carry advertisements with pictures of what may no longer fairly be called unmentionables. We have attempted to show by the material dealing with newspapers and magazines what the current mores of our society are. (See Exhibit "B" attached hereto.) However we may regret them, they are ours, and an instrumentality which merely perpetuates them cannot be said to be harmful judged by these standards. We submit that motion pictures are merely reflective of our time and our society and cannot be constitutionally suppressed merely because they conform to the facts of modern life.

8. The purported protection of the public by motion picture censorship has extended into the area of the political and social prejudices of the censors.

State censors have frequently exercised their powers to restrain the exhibition of motion pictures because they disagreed with the social and political ideas therein expressed, or more recently, the ideas of their actors or producers. Examples of this practice may be found in *Velie, You Can't See That Movie: Censorship in Action,* Collier's Magazine, May 6th, 1950; *Kuperman and*

O'Brien, Motion Picture Censorship: The Memphis Blues, 36 Cornell L. Quarterly 273 (1951); *Small, What Censorship Keeps You from Knowing,* Redbook Magazine, July, 1951; *Ernst and Lindey, The Censor Marches On* (1940), page 254. This particular Board of Censors has not been free from this criticism. In 1920 it banned films which it thought to be pro-labor during a coal strike. Later it banned on political grounds such films as "Spain in Flames" and the Russian-made film "Of Greater Promise". See *Note, Censorship of Motion Pictures,* 49 Yale L. J. 95 (1939). Kansas censors once went so far as to require the deletion of a speech by Senator Wheeler against a bill for enlarging the Supreme Court on the ground that the Senator's dialogue was "partisan and biased." *op. cit.*

George Bernard Shaw has thus stated the case against censorship:

> "All censorships exist to prevent anyone from challenging current conceptions and existing institutions. All progress is initiated by challenging current conceptions, and executed by supplanting existing institutions. Consequently the first condition of progress is the removal of censorships. There is the whole case against censorships in a nutshell." (From the *Preface* to *"Mrs. Warren's Profession".*)

The matrix of our governmental religion is to permit society, through the expression of favor or disfavor, to determine the value of ideas. This applies to both ideas on the political and social order, and even the merits of literature. This is our great gamble and contribution to the world, an act of faith, not to be disparaged or demolished on inadequate and inconclusive evidence.

As Mr. Justice Douglas put it:

"If a board of censors can tell the American people what it is in their best interests to see or to read or to hear (cf. Public Utilities Com. v. Pollak, 343 U. S. 451, 96 L. ed. 1068, 72 S. Ct., 813), then thought is regimented, authority substituted for liberty, and the great purpose of the First Amendment to keep uncontrolled the freedom of expression defeated." *Gelling* v. *Texas, supra,* at page 961 (concurring opinion).

9. If motion pictures do present special problems, these may be dealt with by other means than censorship.

What we have said does not mean that the public, and children in particular, must remain unprotected from the dangers that some pictures may create. Motion picture producers, like those who print newspapers, must be responsible for what they do and say. Producers, distributors, or exhibitors of obscene or otherwise dangerous motion pictures may be prosecuted under existing laws which are adequate to deal with such situations, and the threat of such prosecutions will serve to keep films within the bounds of social mores of each era. See, for example, Ohio G. C. Sections 13035 and 13040, and 18 U. S. C. 1462(a), prohibiting the importation and interstate transportation of "any obscene, lewd, lascivious, filthy . . . motion picture." Moreover, if such laws are inadequate, then the remedy is to amend those laws within constitutional limits, not permit censorship. The very least that one who exercises a constitutional right may demand is that he be judged by a jury of his peers for what he has done, not pre-judged by specially constituted administrative tribunals for what he may do.

If children are our special concern, they may be protected without censorship. Laws may be passed, for example, which prohibit the admission of children to motion

picture theatres unaccompanied by their parents. See N. Y. Penal Code Sec. 484. Even without such laws, parents may refuse to permit their children to attend theatres which show pictures they deem to be objectionable. Private agencies stand ready to point out objectionable or desirable pictures to them. What one parent may deem harmful for his child, another may deem educational. This schism could be found in this very picture. Some would urge their children to attend because it warns them of the dangers of the street. Others would be concerned about the mental impression the picture might make. But each parent has a right to determine the course the education of his child shall take and the state may not deny them this right. *West Virginia State Board of Education* v. *Barnette*, 319 U. S. 624; *Pierce* v. *Society of Sisters*, 268 U. S. 510.

Conclusion

This is not a small problem that we are considering. It involves much more than one picture, or one group of pictures. The Ohio Court in considering this problem pointed to the fact that in the past ten years only 59 motion pictures had been rejected by the censors. But for each picture rejected, how many more were not submitted through fear of adverse decision. Without doubt, ten adverse decisions strategically placed could effectively stifle all discussion of political, social, or philosophic significance. Motion pictures can and will thus be reduced to intellectual pablum, so thin, so uniform and so unappetizing that this once great industry will succumb to more virile competition.

For these reasons we respectfully urge that the decision of the Supreme Court of Ohio be reversed.

Respectfully submitted,

MORRIS L. ERNST
Attorney for
The National Council on Freedom from Censorship, a Committee of the American Civil Liberties Union,
Amicus Curiae
285 Madison Avenue
New York 17, New York

Of Counsel:
ARTHUR JOEL KATZ

Exhibit A

OFFICE OF THE ATTORNEY GENERAL

STATE OF OHIO

COLUMBUS 15

(The Great Seal of the State of Ohio)

C. WILLIAM O'NEILL
Attorney General
JOSEPH S. GILL
First Assistant Attorney General
ROBERT E. LEACH
Chief Counsel

June 25, 1953

Mr. Clifford Forster
Executive Secretary
National Council on Freedom from Censorship
170 Fifth Avenue
New York 10, New York

In re: Superior Films Inc. v.
Department of Education,
State of Ohio

Dear Mr. Forster:

Mr. Leach has handed me your letter of June 16, concerning the above mentioned case. Please be advised that in the event that said case is taken for review to the Supreme Court of the United States, the state of Ohio hereby consents to the filing of a brief amicus curiae by the National Council on Freedom from Censorship.

Very truly yours,

/s/ GWYNNE B. MYERS

Gwynne B. Myers
Assistant Attorney General

GBM/mc

WRIGHT, HARLOR, PURPUS, MORRIS & ARNOLD

Francis J. Wright
John C. Harlor
Earl F. Morris
Carl J. Purpus
H. Bartley Arnold, Jr.
Howard N. Bullock
C. Emory Glander
Rudolph Janata, Jr.
Howard Crown
Harry Wright, III

Adams 4125

HUNTINGTON BANK BUILDING

COLUMBUS 15, OHIO

October 23, 1953

National Council on Freedom from Censorship
170 Fifth Avenue
New York 10, New York

Attention: Mr. Clifford Forster

Re: Superior Films, Inc. vs. Department of Education of the State of Ohio.

Gentlemen:

Replying to your letter of October 21, we were awaiting the authorization of our client before furnishing you with a letter consenting to your filing a brief amicus curiae in the Superior Films case.

Such consent has now been received and you are hereby advised that we will welcome your filing a brief in this case.

Very truly yours,

/s/ JOHN C. HARLOR

JCH:mjh

Exhibit B

COMPARATIVE MORES

Content of representative newspapers for comparison with alleged "harmful" effect of motion pictures (week of September 14, 1952, the week in which "M" was banned, and September 14, 1953)

1. EXCERPTS FROM "NEW YORK JOURNAL-AMERICAN" FOR THE WEEK OF SEPTEMBER 14, 1952

Date	*Page and Column*	*Headlines*	*Story Summary*	*Pictures*
Sept. 14	Page 1 cols. 3 to 6	**20 Here Admit Buying Post Office Promotions**	Report of job buying in Postal Department, investigation by U. S. Atty. Men paid as high as $2,000 for promotions.	
	Page 4 cols. 1 & 2	**Corruption Listed as 1st U. S. Failing**	Story discussed fact of corruption in government. Specifically the "lack of integrity of some governmental figures."	
	Page 8 col. 4	**Auto Attack Attempt Holds Married Man**	Description of attempted rape, man grabs woman by throat and tried to carry her to parked car.	Picture of attacked woman with caption "* * * her face was scratched and three fingers bitten."
	Page 12 col. 1	**Grilling in Store for Jack Gross**	Report of New York police graft bookmaking trial.	
Sept. 15	Page 1 col. 6	**Woman Attacked in Home** (Headline 1½ in. high runs across front page over masthead) **Two Others Fight Off Assailants**	Description of two attacks and one rape at knifepoint of widow while she was sleeping in her apartment.	
	Page 1 cols. 3 to 5	**Vice Witness Tells Jury of Boudoir Date, Describes Swank Nest**	Report of "spicy" testimony at Jelke vice trial, making dates described, girls in pajamas, etc.	Picture of girl witness hiding face
	Page 3 cols. 1 & 2	**Prowler Slain, Cop Shot Battling Fleeing Suspect**	Description of running gun battle in Brooklyn between police and suspect	Picture of slain man lying upright on the ground with blood running from his chest and face

Date	Page and Column	Headlines	Story Summary	Pictures
	Page 9 cols. 4 to 6	**Married 15 Years, She Thinks Mate Is Seeing Another Woman**	Advice to lovelorn column advises woman whose husband has "another woman"	
Sept. 16	Page 1 cols. 7 & 8	**Bronx Bank Holdup Pair Gets $12,680 Then Flees in Auto** (Headline across page)	Description of successful bank robbery	
	Page 1 cols. 1 to 3	**3 More Tell Details of Vice Nest Visits**	More intimate details of Jelke trial, bedroom scenes described, petting on couch, etc.	Picture of weeping girl accused of being a prostitute
	Page 1 col. 3	**Secretly Married Pair Found Slain**	Couple found shot to death nude in bed	
	Page 3 cols. 6 to 7	**Mayor Hopes To End Crime Wave, Girl Knifed To Climax Week of Terror**	Mayor describes efforts to halt "crime wave against women". Knifer in one case described as 6 feet tall with "long stringy hair and yellowish eyeballs." Several times a woman reported to police that this man was following her but got no action and was eventually knifed.	
	Page 11 cols. 1 to 3	**He Has Had Numerous Affairs Despite Loyal Wife and Fine Son**	Advice to lovelorn column again deals with adultery.	
Sept. 17	Page 1 Across front page	**Attention Mr. Mayor: Sex Crimes Rouse City** (1½ inches high)	Description of sex crime wave. "Can rapists haunt cities unpunished?" Description of about 5 rapes or attempted rapes said to have occurred recently. Police criticized for inadequately dealing with problem.	3 pictures of individual victims

Date	Page and Column	Headlines	Story Summary	Pictures
	Page 1 col. 8	**2 Other Women Attacked** (1½ in. high across the page)	Story of 2 attempted rapes.	Picture of one woman choking another to show how she was attacked by suspect and picture of suspect
	Page 1 cols. 4 & 5	**Canadian Girl Weeps At Trial's End: Blonde Tells How She Got Vice Job.**	Description of indoctrination of new Canadian girl in a bordello. Testimony described as "spicy".	Picture of girl witness
Sept. 18	Page 1 cols. 1 to 3	**Find Girl 20 Guilty In Elite Vice Case**	Description of trial and jury verdict.	
	Page 1 Headline and story across the page	**Increase Women Cops—Riding The Terror Patrol**	Story began "with New York plunged into its greatest crime wave . . ." Reporter describes riding with police. (4 more women attacked)	Picture of wife of Korean soldier in bed being comforted by friend after man hit her on head and tried to drag her into bushes
	Page 1 cols. 5 & 6	**Queens Builder Held in Vice Racket Probe**	Material witness described as accomplice of prostitutes.	
Sept. 19	Page 1 Across the page	**Cop Kills Wife in Error**	Wife killed by cop who mistook her for burglar.	
	Page 1 cols. 3 to 6	**New Police Order—Travel In Uniform**	"As an off duty cop was attacked by a drug-crazed mugger" the crime wave continued. Subways were said to be especially dangerous.	
Sept. 20	Page 1 Picture and story took up one-half the first page.	**Air Wardens Fight Crime: 2 Bronx Thugs Attack Girl 14.**	Story of girl raped and chain-whipped by 2 thugs. Also attack on 16 year old girl who was found unconscious, stripped and rape attempted. 3 other sex crimes described including attack on 9 year old girl.	Large picture of girl's back bare except for brassiere showing welts after whipping with chain together with picture of chain used

2. EXCERPTS FROM "THE CLEVELAND PRESS" FOR THE WEEK OF SEPTEMBER 14, 1953

Date	*Page and Column*	*Headlines*	*Story Summary*	*Pictures*
Sept. 14	Page 1 cols. 4 to 8	**Judge Hits Beatings at Juvenile Home**	Surprise visit by judge to juvenile home discloses paddles used for beating inmates. Boys also kicked in the stomach and hit in the face with fists by attendants.	Wooden paddles used for daily beatings.
	Page 2 col. 1	**Robber Picks Quiet Bar, It's Wrong One**	18-year old wanted to stick up bar, chose one run by a former policeman who threw an ashtray at him and chased him 6 blocks until captured.	
	Page 4 cols. 4 to 7	**Chicago Man Hunted In Woman's Murder**	Tuberculosis patient hiding in woods with only one bottle of medicine. Wanted for stabbing woman through chest with commando-type knife.	
	Page 4. cols. 1 to 3	**Car Met Train and Six Died** (caption under picture)	No story.	Crashed car across railroad tracks. Two bodies covered by sheets, legs sticking out, in foreground by the tracks.
	Page 6 col. 3	**Begin Trial of Killer of 5 in 3 States**	19-year old marine private killed 19-year old college student, stole his car, and went West where he killed 2 people in Illinois and 2 in Minnesota. Apprehended in company with 16-year old girl. State will ask for electric chair.	

Date	Page and Column	Headlines	Story Summary	Pictures
	Page 6 cols. 1 to 4	**Husky Mom Nabs Assault Suspect**	190-pound mother of 17-year old boy caught man who tried to throttle her son, pushed him into a chair and held him by shirt front till police arrived.	Mother and son, both smiling.
	Page 11 cols. 4 & 5	**Mystery of 13th Coffin Uncovers Blond-Murder?**	Frenchman wanted to have 12 family coffins rearranged, found 13. Extra coffin contains unidentified blond girl in low-cut gown and dancing slippers.	
Sept. 15	Page 1 cols. 4 to 8	**Charges Judge Ignored Statutory Moral Laws**	State auditor reports probate judge permitted about $150,000 in inheritance taxes to remain unpaid, made rubber-stamp appointments, distributed money where no distribution authorized.	
	Page 1 col. 6	**Call Police Officials Before Grand Jury**	2 deputy inspectors of police districts called before grand jury. Head of rackets squad conferred with D. A.	
	Page 1 col. 7	**Ex-U. S. Aide Paid Red Dues**	Former U. S. labor mediator who received loyalty clearance 3 times has admitted paying party dues.	
Sept. 16			(Issue unavailable.)	
Sept. 17	Page 2 col. 2	**Dad Admits Beating Boy, 2, to Death**	Child killed with a rubber hose because his crying interfered with father's lonely drinking bout.	

Date	Page and Column	Headlines	Story Summary	Pictures
Sept. 18	Page 1 cols. 3 to 8	**Assassin Is Slain by French Guard**	Guard killed fanatic who made attempt on life of Morocco Sultan.	1. Guard and assassin battling. Latter has knife raised. 2. Assassin dead, face down, blood from shoulder. Hand holding pistol in upper left corner.
	Page 1 col. 1	**Four Percenter Fired From 2 Posts by GOP**	Member of Republican Central Committee for D. C. and secretary of District Republican Club fired for trying to get 4% fee in connection with Navy rocket launching deal.	
	Page 1 col. 7	**Says 100 Red Fronts Linked to Clergy**	Secretary of Circuit Riders, Inc. said clergy had linked names with Red organizations for last 20 years, in an address to Sons of American Revolution.	
	Page 10 col. 6	**Boy Makes Bombs for Fun, Denies Design on School**	Boy known as "Time bomb Charlie", whose hobby is explosives, has been heard to say he will blow up the school but he denies this.	
	Page 9 cols. 3 to 6	**Hubby's Illness Forbids a Family; Separation Pondered by Wife** (Column called Heart and Home)	Reader's letter: While in Korea husband got illness which prevents him from having children. Should she leave him? Columnist answers "No".	
	Page 11 cols. 1 to 4	**Want To Increase Bust? Exercise Will Help** (Column called Why Grow Old?)	General statements to the effect that a good bustline is essential to feminine beauty.	Girl in bathing suit doing exercise.

Date	Page and Column	Headlines	Story Summary	Pictures
Sept. 19	Page 1 cols. 1 to 8	**Boy, 6, Kills Sister, 3, With Gun**	While playing, children got father's gun. Girl shot in abdomen. Mother was blind but when she heard screams she called police: Father has wandered off and cannot be found since accident.	Picture of girl.
Sept. 21	Page 1 cols. 3 to 4	**Noises in Night Alarm Woman Fearing Ghost**	Woman claims she has been hearing noises for long time & recently a man's voice called her by name. Thinks house is haunted because murder committed there long ago.	3 terror-stricken women huddled on sofa and white transparent figure of ghost. Admittedly a photographer's trick.
	Page 15 cols. 1 & 2	**Killer of Couple Dies in Self-Inflicted Shot**	Ex-convict who had served time for strangling bride because she described premarital love affairs, now shot a married woman and her husband. The woman had been his lover but had decided to return to her husband. After shooting the couple, the murderer committed suicide.	
Sept. 22		**Slain Girl May Be Coed-Quiz Friend**	Corpse of a girl found in woods. Too mangled to be identified. Description of the corpse: "The features of the murder victim had been battered until it is nearly impossible to describe them. She had been stabbed above the right eye, her right cheek bones were smashed, several teeth were missing on the right side and the jaw bone had been broken. There was a scar at the neckline. There were from 15 to 18 stab wounds and indications that	

Date	Page and Column	Headings	Story Summary	Pictures
			the girl had been strangled. There also were indications that she had been kicked viciously in the stomach."	
	Page 5 col. 7	**Vanished Friend Sought in Slaying of Soccer Czar**	Body of soccer champion found tied to bed in his apartment. Red cord from Venetian blinds used to tie him. He had been shot. His friend had disappeared.	
	Page 19 col. 1	**Seek Opium Smoker in Chinese Slaying**	A Chinese seaman who had been in jail for drug addiction was wanted by police for slaying prosperous Chinese importer who refused to let him marry daughter.	
Sept. 23	Page 1 cols. 3 to 8 and Page 33 cols. 5 to 9	**Re-Enacts Killing of Coed.** sub-heading: **Confession Numbs Parents**	Corpse of girl found in woods referred to in Sept. 22 issue identified as that of college student. A schoolmate who had been her sweetheart confessed to the murder. Girl was pregnant, but his parents refused to let him marry her. The murder followed a quarrel the nature of which he refused to disclose. Details as to how murder had been committed: He strangled her and loaded body in back seat of car. While driving to woods he heard her moan, stopped car and stabbed her. After unloading body he bludgeoned the face with a blunt instrument to prevent recognition. Police say she was still alive at the time.	1. Large picture of killer. 2. Picture of parents after they heard of confession. 3. Picture of killer with police. 4. Picture of red ballet slippers found on victim, which helped police identify her.

3. EXCERPTS FROM "THE SAN FRANCISCO CHRONICLE" FOR THE WEEK OF SEPTEMBER 14, 1953

Date	Page and Column	Headings	Story Summary	Pictures
Sept. 14	Page 1 col. 5	**Boles Story of How Miner Was Slain**	3 men engaged in a stick-up with the common law wife of one of them helping. A miner called for help and was murdered. One of the men confessed to the murder after 2 years.	
	Page 2 col. 1	**4-Year Old Girl Burned Seriously**	Child burned over 70% of body while playing with matches on vacant lot near home.	
		San Mateo Man Identified in Assault and Attempted Kidnaping	A 25-year old man whose wife is a few months pregnant and who is out of jail on bail raped a housewife and tried to kidnap a woman reporter.	
	Page 4 col. 2	**Two Witnesses Against Santo Mob Guarded**	Santo, one of 3 men involved in stick-up case referred to above seems to be involved in the following crimes: Murder of a crippled messenger in robbery of a Los Angeles bank in 1933. Stick-up murder of a miner in 1951. Torture robbery of a gold buyer in 1951. Brutal murder of a grocer and 3 children in 1952. Murder of a widow in 1953. The man who helped capture Santo has disappeared and is believed dead.	

Date	Page and Column	Headings	Story Summary	Pictures
	Page 4 col. 4	**Rita, Yasmin Threatened With Death**	Star Rita Hayworth and her daughter by Aly Khan threatened unless she returns to Aly. Rita not satisfied with million dollar settlement for child's support.	
	Page 5 col. 2	**One POW Learned That His Wife Had Remarried**	18-year old man returning from prisoner of war camp where he had spent 20 months finds wife has married again.	
Sept. 15	Page 1 col. 6	**State Sure It Has Chester Killers**	D. A. "positive" Santo is responsible for mass murder of grocer and 3 children. He intends to charge him also with beating a widow to death in attempted robbery. Santo's common law wife drove the car in the stick-up murder of miner.	
	Page 3 col. 2	**Youth Killed, Cop Takes His Own Life**	Policeman killed a 13-year old delinquent while trying to arrest him, then blew own brains out.	
		Auto Injuries Fatal	67-year old woman killed by "wildly skidding" car driven by 18-year old boy.	
	Page 3 col. 6	**Fatal Knifing Ends Argument in Bar**	2 teenagers knife one man to death and injure another.	Dead man draped over a fence by killers, back to camera, limbs dangling.
	Page 4 col. 4	**Convicts Indicted in Dope Racket**	No other details. Story essentially contained in headline.	

Date	Page and Column	Headings	Story Summary	Pictures
Sept. 16		**Santo's Gang Linked to Sierra Gold Racket**	No details as to new facts. Mostly repetition of Santo's past activities described above.	
	Page 1 col. 6	**New Wilkins Tussle With Cop Revealed**	A second fight between police sergeant and call girl operator who had already come to blows before.	
	Page 5 col. 1	**Unidentified Body Found at Beach**	The body had been in water 8-10 days.	
Sept. 17	Page 1 cols. 1 to 8	**Santo's Girl Admits Murder Role**	States "I drove the death car" in murder of the miner in connection with robbery.	
	Page 1 col. 8	**Girl Changing Sex in Iran**	Same as headline.	
	Page 9 col. 4	**Dentist Kidnaping— 25 Years Asked**	Man held for kidnaping 74-yr. old retired dentist in robbery attempt.	
Sept. 18	Page 1 cols. 1 to 8	**Sierra Mystery Crime Linked to Santo Gang**	Ice-cream dealer's ranch house broken into in 1949. Puddles of human blood found everywhere in house. Body presumably dumped in vicinity. Attributed to Santo.	
	Page 2	Various headlines	Whole page carries articles describing murders attributed to Santo gang.	
	Page 13 col. 5	**Oakland Boy, 11, Shoots Sister, 9**	Boy and a 10-year old friend stole gun. Girl struck by ricocheting bullet.	

Date	Page and Column	Headings	Story Summary	Pictures
Sept. 19-23			(Issues unavailable.)	
Sept. 24	Page 1 col. 3	**Gunmen Get $4000 In Four Fast Jobs**	Two gunmen driving a stolen car rob 4 people of $4,000.	
	Page 2 col. 5	**Crying Baby Sets Off Gunplay**	Baby cried during the night and father struck it. The mother and her brother came in from next door to take baby away so as to prevent father from hurting it. Father reached for gun and shot baby's uncle. Father in jail, uncle in hospital, baby sleeping quietly. Family disaster "amusingly" described.	
	Page 3 col. 1	**U. C. Student Tries Suicide at Sorority**	No reasons given.	